

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-663

Appellant(s): Paul Pannier

vz. Appellee(s): City/Town of Pittsfield, Brian Duval

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant him a variance from 780 CMR with respect to M.G.L. c. 143 §3R for 3 Highview Avenue, Pittsfield, MA a.k.a. Colonial Gardens Apartments. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on November 25, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

The Appellant appeared for the hearing *pro se*. Brian Duval from the Pittsfield Building Department and others were present as well as shown on the sign in sheet on file at the Department of Public Safety.

Discussion

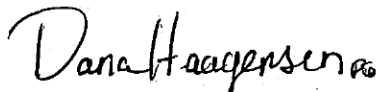
A motion was made to grant the Appellant's request of variances from 780 CMR with respect to M.G.L. c. 143 §3R after hearing testimony on the entry doors. The motion is contingent upon the installation a buzzer button on the outside of the building with a chime inside that can be heard by all units/tenants that are served by the door. In addition the motion is contingent upon the doors, when locked, to be operable from the inside and that a Knox-Box type unit be installed at the manager's office so that public safety officials may enter quickly through the doors in case of an emergency. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance from 780 CMR with respect to M.G.L. c. 143 §3R, is hereby granted with conditions noted in the discussion and so ordered² on this date: November 25, 2008.



Douglas Semple



Dana Haagensen



Alexander MacLeod